

Exhibit 2

1 UNITED STATES DISTRICT COURT
2 IN AND FOR THE DISTRICT OF WYOMING
3 -----

4 STEPHANIE WADSWORTH, Individually and
5 as Parent and Legal Guardian of W.W.,
6 K.W., G.W., and L.W., minor children,
7 and MATTHEW WADSWORTH,

8 Plaintiffs,

9 -against-

Case No.:
23-cv-00118-NDF

10 WALMART, INC. and JETSON ELECTRIC
11 BIKES, LLC,

12 Defendants.
13 -----

14 Thursday, November 16, 2023
15 9:46 a.m.

16 Deposition of JEFF SHEAMAN, taken by
17 Plaintiff, pursuant to Notice, held at The Hampton
18 Inn, 1055 Wild Horse Canyon Road, Green River,
19 Wyoming, before Denise Nowak, a Shorthand Reporter
20 and Notary Public within and for the State of Idaho,
21 appearing remotely.
22
23
24
25

1 2011, and then I moved into detectives at that
2 point. So I've been in investigation since 2011.

3 Q. Talk to me, if you could, the duties
4 and responsibilities -- really, your role in these
5 varying capacities from patrol corporal to
6 detective sergeant.

7 A. So I run a crew of anywhere from five
8 to six. So basically I supervise five or six
9 deputies.

10 Currently in investigations, I
11 supervise four. And we conduct followup
12 investigations from initial reports. We handle
13 conflicts, investigations, death investigations,
14 you know, anything of that magnitude.

15 Q. As you, I'm sure, know, you are here
16 today to talk about your involvement in an
17 investigation that took place back in February of
18 2022 relating to a fire at the Wadsworth residence.

19 You know that, right?

20 A. Yes.

21 Q. Okay. Part of your job duties and
22 the role for the Sheriff's Office include not just
23 investigation deaths and crimes but also
24 investigating fires?

25 A. Yes.

1 Q. Does that include origin and cause?

2 A. Yes.

3 And that's not all investigators -- I
4 myself and, I believe, one other deputy with the
5 Sheriff's Office are certified in origin and cause
6 investigations.

7 Q. Okay. Before getting into some of
8 the more specifics of your certifications, your
9 education, your training, did you have -- did you
10 bring anything with you today, any types of
11 documents, photographs, anything?

12 A. I didn't. Just my report.

13 Q. Okay. Did you -- other than your
14 counsel who's here with you today, did you speak
15 with any of the attorneys involved in this case?

16 A. No. Just with Mr. DeLeon -- that was
17 it -- just before this deposition.

18 Q. All right. Have you spoken with any
19 other persons involved with this incident in
20 preparation of this deposition; that could include
21 deputies, firefighters, et cetera?

22 A. I talked to Bill Robinson who's the
23 chief of Green River Fire. He actually called me,
24 I believe, a week, week and a half ago just asking
25 me about this depo. He had questions on how these

1 work and what was being expected of him. So we
2 talked just for a couple minutes about that.

3 Q. Okay. Did that conversation
4 basically just cover the logistics of a deposition?

5 A. Yes, that's it.

6 Q. You didn't discuss any of the facts,
7 circumstances or even allegations of the lawsuit?

8 A. No.

9 Q. Did you speak with anyone else in
10 preparation of the deposition?

11 A. I did not.

12 Q. So you told me about your current
13 role as detective sergeant; your role since 2011 as
14 patrol corporal?

15 A. Correct.

16 Q. Any other roles that you've held for
17 the Sheriff's Office?

18 A. Just deputy when I first started here
19 in 2008.

20 Q. Right.

21 A. And I was just on patrol. I was a
22 patrol deputy.

23 Q. So that was from '08 to 2011?

24 A. Correct.

25 Q. And prior to joining the Sheriff's

1 Office, you said you had been in law enforcement
2 for 19 years, so, what, approximately three years
3 elsewhere?

4 A. Yes.

5 Q. Where was that?

6 A. That was in Rawlins, the City of
7 Rawlins, Wyoming. I was a police officer there.

8 Q. That's where you began your career in
9 law enforcement?

10 A. Correct.

11 Q. You were a deputy?

12 A. I was a patrol officer with the
13 Rawlins PD.

14 Q. Talk to me a little bit about your
15 educational background.

16 A. Okay. So after high school I
17 enrolled in Aims Community College, which is down
18 in Greeley, Colorado. And I studied fire science
19 and suppression. And I got two associates degrees
20 from that college. And I believe I graduated in
21 2002.

22 Q. Fire science and suppression.

23 Did you obtain -- well, what kind of
24 degree did you obtain?

25 A. It's two associates degrees. So it's

1 actually -- it's, like, a four-year degree, but
2 it's broken down into associates, two associates,
3 two two-year degrees basically.

4 Q. Okay. And were those degrees both in
5 fire science and suppression?

6 A. Yes. One side was fire suppression;
7 one side was fire prevention, if that makes sense.

8 Q. What's the difference?

9 A. Just basically fighting fires versus
10 fire prevention of building codes, doing
11 inspections, that kind of thing, just a huge part
12 of that, that field, which I was in for several
13 years before law enforcement.

14 Q. And let's talk about that.

15 Before getting into law enforcement,
16 you held other employment?

17 A. I did.

18 Q. In what fields?

19 A. So I was a firefighter. I started as
20 a volunteer at the age of 18 with a small agency
21 northwest of Fort Collins, Colorado, which was the
22 Livermore Fire Department. And then I was also a
23 volunteer down in Fort Collins with the Poudre Fire
24 Authority.

25 Q. And in totality, how many years were

1 you a firefighter?

2 A. About six or seven. And I did
3 structural firefighting. And I also moved into
4 wildland firefighting.

5 Q. When did you make that move?

6 A. That was in 2001, I believe. And I
7 did that basically until I began my career in law
8 enforcement.

9 Q. Okay. And when you describe
10 structural firefighting, that includes residences,
11 that includes office buildings?

12 A. Correct. Yes.

13 Q. Is it fair to say that some of the
14 education, the background -- or certainly
15 experience that you gained with fire suppression
16 and fire prevention came from your past career as a
17 firefighter?

18 A. Yes.

19 Q. And certainly you reinforced that
20 with your education at Aims Community College?

21 A. Correct.

22 Q. And you continued down that line with
23 additional training and education and experience
24 with law enforcement?

25 A. Correct. Yes.

1 Q. When did you become certified in
2 origin and cause?

3 A. 2010. I think January and February
4 of 2010.

5 Q. And what did that certification
6 entail?

7 A. It's a two-week course. And it was
8 held locally here in Rock Springs or in Rock
9 Springs. And it was just -- yeah, just a long,
10 intense two-week program. I don't remember how
11 many hours it was. But that was just investigating
12 fires and investigating specifically origin and
13 cause, determining where a fire started and
14 potentially how a fire started.

15 Q. Was that in a classroom setting, like
16 a lecture?

17 A. It was, yes. The whole thing was.

18 Q. Were there -- if you know -- certain
19 prerequisites for you to enroll in that
20 certification course?

21 A. Not necessarily, no. There were
22 people in there that had no experience in
23 firefighting or anything like that. But it was --
24 it was -- they wanted to get investigators in
25 there, people with some kind of experience, whether

1 it be law enforcement or fire or anything like
2 that. But there were several people in that class
3 with zero experience.

4 Q. That two-week course, was that put on
5 by the State of Wyoming?

6 A. It was, yes.

7 Q. Is there a requirement for
8 recertification?

9 A. There is.

10 Q. And what is that requirement?

11 A. I believe it's 40 hours every 3 year.
12 And it can any kind of training, online training,
13 you know, if you attend an actual training in
14 person, that kind of thing.

15 Q. Okay. Have you recertified every
16 three years since 2010?

17 A. Yes, I have.

18 Q. And for purposes of the jury that
19 might read your deposition transcript or see the
20 video, when we talk about origin and cause, it's
21 almost exactly what that name infers, isn't it,
22 determining the origin of a fire where it starts as
23 well as what caused the fire?

24 A. Correct, yes.

25 Q. Do you agree with me that in

1 determining the origin and cause of a fire, that
2 you must analyze various types of evidence?

3 A. Yes, correct.

4 Q. You must analyze all available
5 evidence, meaning not excluding certain evidence?

6 A. Yes.

7 Q. Every fire is different.

8 A. Very true.

9 Q. It requires you to use not just your
10 education, your background, your training, your
11 experience, but also intuition?

12 A. Yes.

13 Q. Where available, speak with either
14 witnesses or victims of a fire?

15 A. Yes.

16 Q. At the appropriate times, even speak
17 with other first responders?

18 A. Yes.

19 Q. Are there times where you investigate
20 fires for purposes of determining origin and cause
21 and you involve the city marshal, fire marshal?

22 A. I have in the past. Yes, I have.
23 Complex fires or anything, that's kind of above my
24 head. I've done that several times.

25 Q. Okay. What do you consider to be a

1 complex fire?

2 A. Major industrial buildings, you know.
3 For example, we had a fire years ago that was at an
4 Arco building that was a massive, massive building.
5 And I had to bring in outside resources, because it
6 was so big and so complex that I requested their
7 assistance.

8 Q. Can we agree that in your experience,
9 at least since 2010 you are not shy asking for help
10 you need it?

11 A. Nope, not at all.

12 Q. That you understand the magnitude and
13 the import of bringing in others who are
14 experienced and certified in assisting you where
15 necessary?

16 A. Yes.

17 Q. Do you also train others within the
18 Sheriff's Office or even the fire department in
19 origin and cause?

20 A. I -- not like it's a certification or
21 anything like that. I do require my -- all of my
22 detectives -- the detective that worked for me to
23 carry fire gear, you know, protective gear, that
24 kind of thing just in case we have a fire to
25 investigate in case I need assistance. And each

1 time I've brought them into a fire sitting, whether
2 it's residential or commercial, I try to help them
3 kind of understand what my job is as an origin and
4 cause investigator; that kind of thing.

5 Q. And when you're explaining -- the
6 reason I ask that is because you come across as
7 this person to me -- maybe I'm totally off. But.

8 Are you the type of person with those
9 that are working alongside you -- you were talking
10 to them, talking them through your processes and
11 trying to help them understand the process?

12 A. Yes, very much so.

13 Q. And so that includes if there's
14 others -- is there's deputies and other Sheriff's
15 Office personnel that are assisting you on
16 investigation, you are talking them through your
17 processes so that they can gain an understanding of
18 what you're doing, how you are doing it and why you
19 are doing it?

20 A. Correct.

21 Q. Do you hold any other state
22 certifications that relate to either fire
23 suppression or fire prevention?

24 A. No. That's it. Just origin and
25 cause.

1 Q. Do you hold any state certifications
2 relating to law enforcement?

3 A. Yes.

4 Q. Okay. And what certifications do you
5 hold currently?

6 A. Just my peace officer certification.
7 I've had that since 2005.

8 Q. You say peace officer?

9 A. Yes.

10 Q. And what is that?

11 A. That's from the law enforcement
12 academy. So every law enforcement officer in the
13 state of Wyoming has to go through that academy.
14 And it's in Douglas, Wyoming. And it's about a
15 three to four-month class.

16 Q. Is that also a certification that
17 also requires recertifying?

18 A. Yes.

19 Q. And how often?

20 A. You have to have a certain amount of
21 hours. And it changes constantly. So they require
22 a certain amount of hours per year to maintain a
23 certification, whether it be training or on-the-job
24 experience; that kind of thing.

25 Q. What kind of training do they offer

1 you that encompasses this certification?

2 A. We do yearly -- well, quarterly
3 firearms training, yearly Taser training, anything
4 we carry as far as equipment, you know. We're
5 trained on that. We continue that education and
6 that training to keep up on certifications.

7 Q. In addition to the two certifications
8 you've mentioned, am I safe to assume that you
9 undergo additional education and training on a
10 yearly basis, whether through your Sheriff's Office
11 or on your own?

12 A. Yes.

13 Q. Is that for purposes of ensuring that
14 you are offering the absolute best service that you
15 can to the residents of this county?

16 A. Yes.

17 Q. Do you ever engage in any type of
18 joint training or education with local fire
19 departments?

20 A. Not as often as like the other police
21 departments in this jurisdiction, but sometimes we
22 do. We have, you know, mass casualty trainings,
23 that kind of thing, where we work with the fire
24 department; that kind of thing, so...

25 Q. This fire on February 1st, 2022, am I

1 safe to assume that that's not the first fire
2 you've ever responded to?

3 A. No.

4 Q. Is there any way -- and I know it's
5 been, what, 19 years in law enforcement and many,
6 many more as a firefighter.

7 Is there any way that you can
8 quantify how many fires you've ever -- structural
9 fires you've ever responded to?

10 A. 50 to 100. Maybe more.

11 Q. How about since at least 2010, is
12 there any way you can quantify how many fires
13 you've responded to for purposes of conducting
14 origin of cause investigation?

15 A. So we hadn't had an origin and cause
16 investigator here for a long time. So when I got
17 that certification, a lot of the agencies,
18 including the fire department, weren't aware that
19 someone was certified in that.

20 For a Wyoming State statute, if a
21 small jurisdiction, say, Farson Wyoming Fire
22 Department responds to an incident or a fire in
23 their jurisdiction, it's -- first they -- they are
24 the ones that are actually supposed to investigate
25 that. Now they can request me for assistance or an

1 origin and cause investigator for assistance. But
2 it took a while for people to understand that I had
3 that certification. So for a couple of years I
4 didn't stay too busy. And then I started getting
5 calls more often.

6 So, I mean, since 2010, maybe 25, 30
7 fires or something like that that I've been called
8 to assist.

9 Q. Okay. Are you a member of any type
10 of professional organizations or associations
11 relating to either law enforcement or firefighter?

12 A. Yes.

13 Q. Okay. Which ones?

14 A. So I was part of the International
15 Homicide Investigation and Investigation
16 Association.

17 Q. And any others?

18 A. And Wyoming Peace Officers
19 Association.

20 MR. LaFlamme: Can you say the first
21 one again?

22 THE WITNESS: It's International
23 Homicide Investigators Association.

24 MR. LaFlamme: Yes.

25 THE WITNESS: It's a mouthful.

1 BY MR. AYALA:

2 Q. Since you began your origin and cause
3 investigations following your certification, have
4 you received or reviewed any types of standards or
5 guidelines that assist you in conducting your
6 origin and cause investigations?

7 A. I think, as far as continuing
8 education or anything like that, I keep up on some
9 of the online trainings that I do to keep my
10 certification. Every time I go through there, it
11 seems likes things change, just like they always do
12 with fire codes or statutes, anything like that.
13 So I try to keep up on those when I go through
14 those trainings.

15 Q. Okay.

16 A. I'm trying to think of the online
17 training course that I use and I can't think of it
18 off the top of my head.

19 Q. Okay.

20 A. But other than that, I have got a lot
21 of books and stuff I try to keep up on, just
22 keeping sharp, as far as my investigations and that
23 kind of thing. So every time I go to a fire, I ask
24 a lot of questions, bounce a lot of ideas off
25 people, and then try to research. If I don't know

1 something, I try to research so I know later on --
2 or how to handle something later on.

3 Q. I take it there are no, either
4 guidelines or standards in the field of origin and
5 cause investigation that you find to be
6 authoritative; is that fair?

7 A. Yeah, it's fair. Yes.

8 Q. And part of the reason for that, sir,
9 is because, as you mentioned earlier, every fire is
10 different, right; and so you have to employ
11 different skills, different experiences, different
12 training for purposes of concluding that
13 investigation?

14 A. Yes.

15 Q. Talk to me a little bit about -- and
16 even understanding that fires differ from one to
17 the other, talk to me a little bit about your
18 processes.

19 When you are called to assist on an
20 origin and cause investigation, and you arrive on
21 scene, talk to me about the process that you go
22 through that is typical or customary?

23 A. So working with the fire department,
24 the times we have, I think most of the fire
25 departments now know to call me. And if they are

1 A. In my experience in the fires I've
2 been on, every time I found a "V" pattern, it's --
3 I can't think of the time where it has -- where I
4 found that a fire started somewhere else in the
5 vicinity.

6 I remember investigating a fire that
7 was in a trailer house; that was a long time ago.
8 And it was actually -- it was an arcs and fire. So
9 there was actually two start points. So the "V"
10 pattern led us to one origin. But there was also
11 another one that we actually missed in the back
12 bedroom that started a second fire.

13 Q. What can you tell me about the term
14 "arcing" and its import or significance as it
15 relates to an origin and cause investigation?

16 A. You know, a lot of times if you find
17 that "V" pattern that leads to, say, an outlet or
18 an electrical switch, a lot of times you can take
19 apart that switch or take apart that outlet, and
20 you can find evidence of arcing.

21 So you can find metal that's melted;
22 wires that are melted. That can lead to determine
23 that potentially the fire started from electrical
24 issues.

25 Q. Does arcing always indicate the

1 origination point of a fire?

2 A. Not always. I wouldn't say always,
3 no.

4 Q. Are there times that you've seen, in
5 your experience of conducting these investigations,
6 where arcing is identified, but it has not marked
7 the origination point of a fire?

8 A. Yes.

9 Q. We discussed "protected areas" as it
10 relates to a place of origin of a fire.

11 Are you familiar with that term?

12 A. I don't think so.

13 Q. But the way in which it was brought
14 up in questioning was where there is -- where
15 you've identified a place of origination of that
16 fire and underneath the -- whether it's a
17 structure, whether it's -- whatever it is, there's
18 a place that is protected from the severity of the
19 burning and the fire --

20 A. Okay.

21 Q. -- that is more intact than the
22 remainder of the structure.

23 A. I understand.

24 Q. Are you familiar with that?

25 A. I understand that, yes.

1 Q. Is there a better term that you use
2 in your experience than just "protected area"?

3 A. No. I think that's probably a good
4 way to explain it.

5 Q. In your experience, when you are
6 investigating fires, have you found protected areas
7 near a place of origination?

8 A. If I'm understanding you correctly,
9 yes.

10 Q. By way of example, where you've
11 identified a "V" pattern --

12 A. Um-hum.

13 Q. -- and made the determination that
14 the fire originated at or near that "V" pattern,
15 have there been times where in removing debris
16 where you've seen a protected area that is not as
17 burned or destroyed as the surrounding areas?

18 A. Yes, I have.

19 Q. Is that -- the identification of a
20 protected area -- I'll use that term -- does that
21 provide further evidence for you, an investigator,
22 of a place of origination?

23 A. It can, yes. I wouldn't say always,
24 but in some circumstances, yes.

25 Q. Certainly it's one piece of evidence

1 that you can utilize in coming to your ultimate
2 conclusions?

3 A. Yes.

4 Q. We've been provided, certainly, and
5 we have copies of your report, and you have a copy
6 there with you. I would certainly like to go
7 through that in a minute.

8 But first let me ask you: In your
9 experience investigating fires, have you -- prior
10 to 2022, have you ever investigated a fire that you
11 concluded was caused by a hoverboard?

12 A. No.

13 Q. Prior to 2022, have you ever
14 investigated a fire that you concluded was caused
15 by a lithium battery?

16 A. Yes.

17 Q. Do you know on how many occasions?

18 A. I can think of one on the top of my
19 head. It was probably right after I gained my
20 origin and cause certification. And it was
21 actually a lithium battery that was plugged in
22 outside of a residence that actually caught fire
23 and burned that residence.

24 Q. In that experience with the lithium
25 battery, if you recall, were you able to identify a

1 A. Yes.

2 Q. When you were walking around the
3 home, including and especially in this front part
4 of the home, did you walk up to this area of the
5 window and look at this "V" pattern?

6 A. I did. There was -- I mean there was
7 a lot of debris. And I remember something about a
8 shed. I -- I didn't remember that until we
9 discussed it, but there was a lot of debris and
10 stuff around there, so I didn't walk right up to
11 it, but I just kind of focused my efforts almost
12 basically where the -- this picture was taken about
13 this or is as close as I walked up to that.

14 Q. And I just want to be clear for the
15 record that you presented to this residence the day
16 of the fire?

17 A. Yes. Yeah, I think it was 1 o'clock,
18 probably -- I mean, eight, nine hours after the
19 fire was -- after the fire had occurred, so...

20 Q. In walking up to this portion of the
21 home, even with the debris that existed there, did
22 you find any evidence to support the hypothesis and
23 ultimately the conclusion that the fire began
24 outside of the home?

25 A. No.

1 Q. None?

2 A. Nothing.

3 Q. Other than Bill Robinson and Chief
4 Urgman, at some point in time you spoke with other
5 witnesses?

6 A. Yes, I did.

7 Q. Including Ryan Pasborg?

8 A. Yes.

9 Q. If I refer to him as the hero, you'll
10 know who I'm talking about?

11 A. Yes.

12 Q. You spoke with Matthew Wadsworth?

13 A. Yes.

14 Q. Did you speak with anyone else?

15 A. I did.

16 Q. Who did you speak with?

17 A. I spoke with the children that were
18 in the home. I interviewed -- I remember there
19 were the two boys. And then I believe their
20 sister. That was in the first part of March 2022.
21 So about a month afterwards. I did speak to
22 Matthew over the phone just to get updates on his
23 wife and his child.

24 Q. Do you take into account all of those
25 conversations, all of the information that the

1 family members, that the hero provide you in
2 ultimately coming to the conclusions that you do?

3 A. Every time, yes.

4 Q. You consider all of them?

5 A. I do.

6 Q. Together with the physical evidence?

7 A. Yes.

8 Q. Together with certainly your
9 experience and your background and your training?

10 A. Yes. Every investigation, I follow
11 the evidence, whether that be physical evidence or
12 statements given by witnesses; anything like that.

13 Q. Sir, you've gone be doing this for
14 many years?

15 A. Yes.

16 Q. In the many years that you've been
17 not just conducting your origin and cause
18 investigation of fires but also conducting your
19 investigations relating to criminal activity,
20 relating to tragedies that occur, you've spoken
21 with and taken statements of victims?

22 A. I have, yes.

23 Q. Have you found in your experience
24 that, there are times when individuals who suffer
25 through a trauma either have difficulty

1 do you take everything that somebody tells you as
2 fact?

3 A. No.

4 Q. In fact, what you are called to do as
5 a detective, as an investigator is you're called to
6 take everything into account and decipher fact from
7 nonfact?

8 A. That is correct.

9 Q. Okay. And there are times where you
10 are siphoning through all of the evidence and you
11 realize and determine that some information given
12 to you by victims, by witnesses is not 100 percent
13 accurate?

14 A. That is correct as well.

15 Q. And the physical evidence sometimes
16 provide you the best evidence for purposes of
17 determining the cause or origin of a fire?

18 A. Yes.

19 Q. And in the same way, the lack of
20 physical evidence can also provide you with the
21 cause or origin of the fire?

22 A. Yes, it can. Yep.

23 MR. AYALA: We've been going for a
24 little over an hour, about an hour and 15.

25 Are you okay to continue?

1 THE WITNESS: Yes.

2 MR. AYALA: Folks, on the other side,
3 I know there are sometimes media changes.

4 Are we okay to continue?

5 THE VIDEOGRAPHER: I have about
6 another 15 minutes or so.

7 MR. AYALA: Let's stop now then, cuz
8 I'm gonna get into his report a little bit more.
9 And we'll change that video.

10 THE VIDEOGRAPHER: Fair enough.

11 This is the end of Media Unit 1.

12 We are off the record at 10:46 am.

13 (Recess taken.)

14 THE VIDEOGRAPHER: This is the
15 beginning of Media Unit number 2.

16 We are on the record at 10:53 a.m.

17 BY MR. AYALA:

18 Q. Sir, based on your investigation of
19 the Wadsworth residence fire, assume with me that
20 the children made a statement about the fire
21 starting outside, assume that the children also
22 made a statement that they were woken up by the
23 fire, do those statements, with the totality of all
24 of the evidence that you were able to identify and
25 gather, do those statements change your opinions at

1 to the origin and cause of the fire?

2 A. No, not at all.

3 Q. Assume with me that there will be
4 testimony at some point about a plastic shed, about
5 a space heater inside, about it being used, you
6 know, to smoke at, would that in any way change
7 your opinions as to the origin and cause of this
8 fire?

9 A. No.

10 Q. Assume with me that private
11 inspectors and investigators were retained for
12 purposes of conducting an inspection of this home
13 and the result of that inspection found arcing
14 outside of this shed was -- would that in any way
15 change your conclusions and your opinions with the
16 totality of the evidence as to the origin and cause
17 of this fire?

18 A. No.

19 Q. You're fairly certain as to where
20 this fire originated?

21 A. Yes.

22 Q. And you're fairly certain as to what
23 caused this fire?

24 A. Yes.

25 Q. What would you need to either see or

1 hear for purposes of changing that opinion, if
2 anything?

3 A. I'm open -- I'm open-minded. If
4 someone walked into one of my complex
5 investigations, for lack of a better term, if
6 somebody has an idea that something else happened
7 besides what I thought, I'm open-minded about that.
8 But, again, I also follow the evidence. I don't
9 form an opinion initially. I follow the evidence,
10 whether that be an interview or physical evidence
11 or anything like that. And I do that on every
12 single investigation -- I always have -- since I
13 became a law enforcement officer.

14 So I'm open-minded if somebody has an
15 idea. And we'll bounce ideas off each another.

16 But in this case, I -- based off
17 my -- what I found, the physical evidence, based on
18 my training and experience, I was fairly certain
19 where this fire started.

20 Q. And even with the ideas that I just
21 gave you through those hypotheticals, the fire
22 starting outside, a plastic shed, potentially a
23 space heater causing on fire, or potentially a
24 cigarette, or some spark in the shed causing of the
25 fire, the potential of arcing being found after the

1 fact, none of that is sufficient to change your
2 opinions based on the evidence that you found and
3 based on your background, training and your
4 experience?

5 MR. LaFLAMME: Object to form.

6 Go ahead.

7 A. Okay. No.

8 MR. AYALA:

9 Q. Meaning what I said is correct.

10 A. Yeah, correct. Yes. Yep.

11 Q. Okay. So let's take a look at your
12 report, if you could.

13 A. Okay.

14 Q. At least from the copy I have and I
15 believe the one that was presented to you there --

16 A. Yes.

17 Q. -- there appears to be 15 total
18 pages?

19 A. 16, I believe.

20 Q. Oh, okay.

21 A. And this is a report from not only my
22 followup report, but also one of the officials
23 from --

24 Q. Let me --

25 A. -- that one as well.

1 line was disconnected?

2 A. I don't remember.

3 Q. Do you ever learn when power went out
4 to the house?

5 A. No.

6 Q. Does that -- knowing when power went
7 out to the house, would that in any way, shape or
8 form affect your opinions as to the origin or cause
9 of the fire?

10 A. No.

11 Q. And, again, that's because of the
12 physical evidence that you've reviewed, the
13 totality of the evidence, including statements and
14 all of that information provided to you?

15 A. Yes.

16 Q. And your background, your training
17 and your experience?

18 A. Yes.

19 Q. The log jumps from 4:49 to 5:21:25
20 for an entry by A. Hook of information provided by
21 Officer McFee. States, "Mom and 4 year old were
22 taken to hospital. Other kids were checked by EMS
23 and had no burns. They were taken to grandma's
24 house." Do you see that?

25 A. Yes.

1 Q. -- to determine that this was the
2 cause?

3 A. Yes.

4 Q. Okay. There was nothing suspicious
5 that you found within the home as having been
6 either criminal activity or malicious activity or
7 anything of that nature that started the fire?

8 A. No.

9 Q. You noticed that there was an outlet
10 that showed that something had been inserted into
11 the lower plug?

12 A. Yes.

13 Q. There was melted plastic covering the
14 lower plug holes, and wires were coming out of the
15 melted plastic. Do you see that in your report?

16 A. Yes. I remember writing that too. I
17 remember reading that too.

18 Q. And then in parenthesis, you put,
19 "This showed that something may have been plugged
20 into the outlet, maybe a charger." Do you see
21 that?

22 A. Yes.

23 Q. Okay. And let me see if I understand
24 that.

25 So are you saying that upon observing

1 this damage you identified an electrical plug?

2 A. Yes.

3 Q. That was plugged into an outlet?

4 A. There was an outlet, yes. And
5 then -- yes, something was plugged into the lower
6 portion of the outlet.

7 Q. Because what you saw was melted wire
8 and plastic coming from that outlet?

9 A. Yes.

10 Q. Obviously, because of the extent of
11 the fire damage, that wire would have been
12 severed --

13 A. Yes.

14 Q. -- at some point?

15 A. Yes.

16 Q. And you were not able to definitively
17 identify what it was that was actually plugged into
18 that outlet?

19 A. Correct. It was completely
20 destroyed.

21 Q. And that outlet was near the doorway?

22 A. Yes, it was.

23 Q. You stated -- and you continue that
24 you focused your attention near the floor close to
25 the entryway into the bedroom. This was just below

1 where the back of the refrigerator was exposed.

2 And you noticed a heavily burned item lying on the
3 floor, but it was difficult to determine what it
4 was initially. Do you see that?

5 A. That is correct, yes.

6 Q. Was that close in proximity to that
7 outlet that you were describing?

8 A. Yes, it was.

9 Q. You could see what was believed to be
10 a tire or a wheel and batteries?

11 A. Yes.

12 Q. Could you describe -- as you're
13 looking through this severely damaged home, and you
14 find this, what appeared to at the very least be a
15 tire or a wheel, can you describe how it looked?

16 A. It was almost completely covered with
17 debris. Obviously, any fire you sift through,
18 sometimes 6, 7, 8 inches of debris. That can be
19 insulation, roofing materials, building materials,
20 studs, you know, burned away wood, anything like
21 that.

22 So this object was almost completely
23 covered. The reason why we focused our attention
24 on that area and start digging through or sifting
25 through that area, it's because we knew it was

1 somewhere around that -- for one, the plug and for
2 two, the area we believed was the origin of the
3 fire.

4 And in sifting through, again, I came
5 to a -- it looks like a -- I can only describe it
6 as it looks like a wheel or a plastic wheel or
7 something off a toy truck or something like that.
8 And then, obviously, batteries that stuck out. And
9 all the tires, the batteries, everything were
10 attached to the same item, if that makes sense.

11 Q. All right. And the "V" pattern that
12 you've been talking about, would it have been in
13 that same area?

14 A. In that area, yes.

15 Q. Okay.

16 A. In that vicinity.

17 Q. You go on to say, "In observing the
18 item closer, you determined the item was a
19 hoverboard riding toy, commonly used by children."

20 Let me ask you about that.

21 Were you able to come to that
22 determination based on your inspection of that
23 item?

24 A. Yes. And I'm familiar with them. My
25 kids had one almost identical to it.

1 Q. And we'll talk to that about that in
2 a little bit, because you make reference to the one
3 your kids had in your interview with Matthew
4 Wadsworth.

5 Do you remember that?

6 A. I do. I believe so, yes.

7 Q. In fact, you had an experience with
8 the hoverboard that your kids had with it getting
9 hot.

10 Do you remember that?

11 A. Yes. Yes, I do.

12 Q. And you talked to Matthew Wadsworth
13 about that?

14 A. Yes.

15 Q. To the point that as it was plugged
16 in, it was so hot that it was almost difficult to
17 touch?

18 A. Yes.

19 Q. So you came to the determination that
20 it was a hoverboard. And you go on to state, "As
21 an origin and cause investigator, you are aware
22 that certain hoverboards with lithium iron
23 batteries are known to get hot and possibly catch
24 fire or explode if plugged in for a long period of
25 time and left unattended."

1 Did I read that correctly?

2 A. Yes.

3 Q. And we talked earlier about whether
4 you ever concluded that a hoverboard was the cause
5 of the fire or lithium batteries were a cause of
6 the fire.

7 Irrespective of that, you've become
8 aware over the years just by the very nature and
9 virtue of what you do, that hoverboards, in fact,
10 can cause fires?

11 A. Yes.

12 Q. And you've heard of those stories --
13 even if you haven't investigated one specifically,
14 you've heard of those stories of hoverboards
15 catching fire?

16 A. Yes.

17 Q. You spoke with Chief Robinson and
18 Chief Urgman. And you documented, you both agree
19 that the fire started in the bedroom near where the
20 hoverboard was found.

21 A. Yes.

22 Q. In that conversation with Chief
23 Robinson and Chief Urgman, did you gain an
24 understanding from them that they concluded the
25 hoverboard contributed or caused the fire?

1 A. It was believed. I mean, we couldn't
2 say it 100 percent. But more than likely it
3 started from that unit, that item. We all agreed
4 that the fire started in that origin. We all came
5 to the same conclusion there. And in sifting
6 through or searching that area, is where this
7 hoverboard was found. So it was our believe that
8 it did.

9 Q. Are you familiar with what, if any,
10 investigation Chief Urgman performed?

11 A. I know he had gone in and entered the
12 fire as well. I don't know -- I don't remember
13 what his -- I talked to Chief Robinson more than
14 Chief Urgman.

15 Q. Okay.

16 A. But I don't remember. I don't think
17 he had any differences or any different opinions.

18 Q. This conversation with Chief Robinson
19 and Chief Urgman was after you concluded your
20 inspection and investigation of the inside of the
21 property?

22 A. Um-hum. Yes.

23 Q. That was the first time that they
24 communicated to you the origin --

25 A. Yes.

1 I saw in the exterior is what made me focus my --
2 my investigation 1 interior, because I didn't
3 believe at that point from what I saw -- and then
4 in talking with the firefighters later on it was
5 determined that the fire -- we believed the fire
6 started inside based off nothing on the outside
7 showed us anything that would make us believe that
8 it started on the outside.

9 Q. Okay. Arcing within the shed would
10 cause you to take a look at the shed as a potential
11 area of origin, correct?

12 MR. AYALA: Form.

13 A. Potentially, yes.

14 BY MR. LaFLAMME:

15 Q. Okay. And understanding that you
16 didn't have the opportunity to process the shed
17 area, correct?

18 A. Right.

19 Q. And obviously that's done -- been
20 done now by the private sector, if there was arcing
21 that was found in that shed area, as you sit here
22 today, you would still want to investigate that to
23 determine if your opinion is still accurate,
24 correct?

25 MR. AYALA: Form.

1 A. That's something I would -- I would
2 definitely be all ears to talk to someone if
3 someone came to me. Again, I'm always bouncing
4 ideas off someone. If someone came to me and said,
5 hey, this is what we think, I would definitely look
6 into that; I would definitely consider, you know,
7 hey, let's -- let's take a second look at it. I've
8 done that with criminal investigations; I have no
9 problem with that. But again, it doesn't change my
10 opinion on where I believe the fire started.

11 Q. But you understand under NFPA 921,
12 that if additional evidence comes to light, you
13 need to consider that evidence, correct?

14 A. Correct.

15 Q. Okay.

16 A. And I wasn't -- I didn't hear of any
17 other, you know, any other calls, any other
18 evidence, or anything like that.

19 Q. Okay. I understood that you weren't
20 part of the private investigation --

21 A. Sure.

22 Q. -- and you haven't been privy of what
23 those results were, but if there was arcing that
24 was found in that shed, you would agree with me
25 that under 921 you would want to reevaluate your

1 A. Yeah.

2 Q. -- you don't know the background of
3 that --

4 A. No.

5 Q. -- correct?

6 A. No.

7 Q. Okay. Based on your investigation,
8 is it your belief that the hoverboard was -- the
9 hoverboard at the Wadsworth property was charging
10 at the time?

11 A. Yes.

12 Q. If it wasn't charging at the time,
13 would that have -- that would have caused you to
14 reevaluate your opinion, correct?

15 A. Again, again, potentially. You know,
16 I don't know enough about them to know if, you
17 know, if you -- maybe if unplug them, maybe if they
18 continue to be hot, if there's some kind of
19 malfunction or something inside of them, if they
20 could still catch fire, blow up, anything like
21 that, I honestly don't know, but.

22 Q. But your presumption was in your
23 investigation that it was plugged in --

24 A. Plugged in --

25 Q. -- correct?

1 A. -- yes. It was based off statements
2 and everything, and then what we found at the scene
3 with the -- with the plug, and yeah, that's what we
4 found out.

5 Q. The plug that you found at the scene
6 was plugged into the outlet wall, correct?

7 A. Yes.

8 Q. You weren't able to trace that cord
9 to the hoverboard itself, correct?

10 A. No, it burned away.

11 Q. Okay. So as to whether it was
12 actually plugged in based on the physical evidence
13 that you saw, you can't make that determination.

14 A. No, I could not.

15 MR. LaFLAMME: I think that's all the
16 questions I have for you. I'm sure they'll have
17 a -- be some followup --

18 THE WITNESS: Okay.

19 MR. LaFLAMME: -- and then I may have
20 some followup.

21 THE WITNESS: Sounds good.

22 MR. AYALA: Yeah.

23 (Inaudible, simultaneous talking.)

24 MR. AYALA: Are you okay to continue?

25 THE WITNESS: Sure, yeah.

1 MR. AYALA: Let me -- I also will
2 jump around a little bit, but let me see if I can
3 start where opposing counsel left off.

4 THE WITNESS: Sure.

5 (Court reporter interruption for
6 clarification.)

7 EXAMINATION

8 BY MR. AYALA:

9 Q. The -- during your investigation,
10 when you found the cord that was attached to that
11 outlet, you weren't able to determine whether or
12 not it was connected to the hoverboard because it
13 burned away.

14 A. Yes.

15 Q. From the evidence that you collected,
16 including the statements from -- from family, did
17 anybody say that anything else was plugged into
18 that outlet?

19 A. No.

20 Q. Did anybody say that anything else
21 was ever plugged into that outlet?

22 A. No.

23 Q. In fact what they said and what they
24 communicated was that the one thing that they
25 plugged into that outlet in the boys' room was the

1 hoverboard.

2 A. Yes.

3 Q. And by the way, that plug, that
4 outlet, was in the vicinity of where the hoverboard
5 was?

6 A. Yes, it was.

7 Q. Okay. You mentioned that you did
8 some, some research online after this to learn a
9 little bit more about hoverboards. Is that -- did
10 I hear you correctly?

11 A. Yes.

12 Q. And you learned about some other
13 fires related to hoverboards and related to lithium
14 batteries?

15 A. Yes.

16 Q. Did you -- in your research, did you
17 find or uncover any recalls by Jetson relating to
18 their hoverboards?

19 A. I don't remember -- I don't recall if
20 I did or not specifically with Jetson hoverboards.

21 Q. Did you ever learn in your research
22 that there was a hoverboard fire in Pennsylvania in
23 April of 2022 related to a Jetson hoverboard?

24 MR. LaFLAMME: Objection to form.

25 A. That I don't remember if I just came

1 across it. I looked at quite a few of them online,
2 so I don't remember that one specifically, but.

3 BY MR. AYALA:

4 Q. Okay. Did you ever learn that Jetson
5 recalled a brand of their hoverboards as a result
6 of that April 2020 fire that killed two?

7 A. That I --

8 MR. LaFLAMME: Object to form.

9 A. -- don't recall.

10 BY MR. AYALA:

11 Q. And that the -- the conclusion of the
12 origin and causation investigation in that
13 Pennsylvania case related to the Jetson hoverboard
14 concluded that it was the hoverboard that caused
15 the fire --

16 MR. LaFLAMME: Object to form.

17 BY MR. AYALA:

18 Q. -- did you know that?

19 A. I did. No, I did not.

20 Q. When opposing counsel showed you one
21 of the body cam videos, and I believe it was -- I
22 believe it was Deputy Hansen, you -- your eyebrow
23 raised, and then later you made a comment that that
24 further solidifies your conclusions.

25 What did you mean by that?

1 A. So just -- what I saw in that video,
2 the immense amount of fire and smoke that was
3 coming -- I shouldn't say smoke because it was
4 dark. The fire that was coming out that window,
5 and I understand there's debris or there's a fire
6 underneath that window.

7 That is common for when you get a
8 fire that extends from the interior to the exterior
9 of a fire. When it burns up, it burns that soffit,
10 it burns that material. That soffit will
11 clearly -- it will ignite and it will drop down
12 off -- off of the structure onto the ground; so
13 that is common. If it did drop down onto that
14 shed, whether it was plastic or whatever it was, it
15 could get -- it clearly started the shed on fire.

16 Q. And that was going to be the next
17 question that I asked you, and then you kind of
18 covered that. But you were given a lot of
19 hypotheticals during today's deposition. You were
20 given a lot of hypotheticals and even assumptions
21 in some of the questioning from opposing counsel as
22 to the origination of this fire from the shed
23 versus inside. Do you remember some of those
24 questions?

25 A. Yes.

1 Q. Okay. One possibility that wasn't
2 covered by opposing counsel is if this fire in fact
3 began inside of that bedroom, as you concluded, is
4 it possible that as it spread and raced out of that
5 window to that soffit, I believe you called it --

6 A. Yes.

7 Q. -- to the roof, is it possible that
8 debris could fall on that shed and ignite the shed?

9 A. Yes.

10 MR. LaFLAMME: Object to form.

11 BY MR. AYALA:

12 Q. In fact, in all of the years that
13 you've been investigating fires, have you seen
14 occasions where fires begin inside, make their way
15 to the exterior of that home, and debris falls and
16 it ignites other things?

17 A. Yes.

18 Q. By the way, opposing counsel brought
19 up the vent in the bedroom, remember some of those
20 questions?

21 A. Yes.

22 Q. About whether or not -- I believe the
23 term was whether it fuel load, whether it was an
24 igniter. Do you remember some of that?

25 A. I do.

1 Q. Okay. How about the plastic shed.
2 Is that is fuel or an igniter?

3 A. I wouldn't say it's an igniter. I
4 mean if it's plastic, like I said earlier during my
5 testimony, it would still melt.

6 Q. Okay.

7 A. So I mean -- and it depends on what
8 is inside, and I understand that, it depends on
9 what may be inside that shed, if there's flammable
10 liquids, flammable contents inside that shed --

11 Q. Mm-hmm.

12 A. -- but still that -- that shed
13 would -- I would believe would melt.

14 Q. Is it combustible? As that a term
15 that is used and understood?

16 A. I wouldn't say so.

17 Q. Opposing counsel was asking you
18 questions about the siding, and showed you a
19 picture of the outside of the home. Do you
20 remember that?

21 A. Yes.

22 Q. Okay. And -- and it was referred
23 through questioning that that siding was metal. Do
24 you remember some --

25 A. Yes --

1 Q. -- of those questions?

2 A. -- I do.

3 Q. Metal siding, isn't that typically
4 non combustible?

5 A. Yes.

6 Q. If the fire began in the shed and
7 spread to the home from the outside in, and that
8 was metal siding -- I'm sorry, and it was not metal
9 siding, wood or some other material that was
10 combustible, would it consume the out -- the
11 exterior of the home?

12 A. It could potentially.

13 Q. But when you have a metal siding that
14 is one combustible and a fire begins outside in a
15 shed, would you expect it to consume the interior
16 of the home?

17 MR. LaFLAMME: Object --

18 A. No --

19 MR. LaFLAMME: -- to form.

20 A. -- I honestly wouldn't.

21 BY MR. AYALA:

22 Q. Opposing counsel established a few
23 things for us today. Opposing counsel established
24 that the boys in that bedroom were uninjured. Do
25 you remember some of that questioning?

1 A. I do.

2 Q. If a fire began in the interior of
3 the home in that boys' bedroom, would you expect
4 that window to blow out, meaning to blow its debris
5 out of the home, or inside of the home?

6 A. This is if a fire started inside?

7 Q. Correct.

8 A. Once it would -- once it would get
9 hot enough, it would blow to the exterior.

10 Q. If the fire began in the shed from
11 the exterior of the home, and heated the window to
12 such a degree that it would cause it to, to blow,
13 would you expect debris inside of the home?

14 A. I believe so, yes. That -- that's a
15 good question.

16 Q. Thank you.

17 Would you expect to have debris on
18 the inside of the home on the bed, where the bed
19 was located according to your understanding?

20 A. Potentially, yes. If it was pushed
21 right up against that wall, yes.

22 Q. And given the fact that the window
23 was glass, would you expect a child who is on that
24 top bunk to at the very least have some scrapes,
25 some marks from glass that exploded on them?

1 A. Yes, I believe so.

2 Q. Did they have any of that?

3 A. Not that I saw, no. And they didn't
4 report -- the dad didn't report any injuries, the
5 kids said weren't injured; that kind of thing.

6 Q. And they certainly weren't treated
7 for any injuries, were they?

8 A. Correct.

9 Q. Opposing counsel asked you about the
10 bed and discussed it being a fuel load or igniter.
11 If the fire began in that bedroom, and the cause of
12 the fire was the hoverboard, as you've concluded,
13 would the fire necessarily go directly to the bed?

14 A. No.

15 Q. Okay. Fires aren't always linear,
16 are they?

17 A. Right, correct.

18 Q. In fact, isn't the more reasonable
19 conclusion, given the V pattern and given the
20 physical evidence that you saw in your inspection,
21 wouldn't the more reasonable conclusion be that
22 that fire would actually go up those wood panels
23 towards the ceiling of that home?

24 A. Yes.

25 MR. LaFLAMME: Object to form.

1 BY MR. AYALA:

2 Q. And then the fire, the flames would
3 run across the ceiling of that home?

4 A. Yes.

5 Q. And then would find its way down the
6 wall of that home eventually?

7 A. Eventually, yes.

8 Q. All right. And so it wouldn't go
9 directly to that bed, would it?

10 MR. LaFLAMME: Object to form.

11 A. Not necessarily, unless you had an
12 accelerant cord on the ground or something that
13 would that have led it to that.

14 BY MR. AYALA:

15 Q. Okay. Was there any accelerant that
16 you discovered or that you learned through any of
17 the statements, that there was some accelerant on
18 that -- on that floor of that bedroom that would
19 have caused the fire to run directly to the bed?

20 A. No.

21 Q. And so this -- this assumption, this
22 inference that if the fire began inside that
23 bedroom, it had to run directly to that bed, and it
24 would have consumed the bed and thereby injure the
25 children. Well that's not exactly true, is it?

1 MR. LaFLAMME: Object --

2 A. I don't think so.

3 MR. LaFLAMME: -- to form.

4 BY MR. AYALA:

5 Q. That's just not the way in which a
6 fire of this nature, given the facts and
7 circumstances that you know, occurs.

8 MR. LaFLAMME: Object to form.

9 A. Correct.

10 BY MR. AYALA:

11 Q. Okay. And in fact, isn't the more
12 likely conclusion, having that fire, again,
13 originate in that bedroom, go up the walls, across
14 the ceiling, start to make its way down the walls,
15 and then that window blows out? Doesn't that make
16 more sense?

17 A. It does to me, yes.

18 Q. Okay. And that's based on all of
19 your years of not just investigating from a origin
20 and causation standpoint, but education.

21 A. Yes.

22 Q. Background, training, and of course
23 experience.

24 A. Yes.

25 Q. Any glass debris found inside the

1 (Playing video recording.)

2 Q. You were -- you were asked, and it
3 was just around here where the still frame where
4 the video was paused for you, and you were asked a
5 question whether the fire was bigger on the ground
6 than on the home, or something along those lines.

7 Do you remember that question?

8 A. Yes, I do.

9 Q. Okay. There's a lot of smoke there,
10 isn't there?

11 A. Yes, there is.

12 Q. Let's keep playing.

13 (Playing video recording.)

14 Q. By the way, as I'm playing, do you
15 see debris falling to the ground?

16 A. Yes.

17 Q. Does that go along the lines of what
18 you were explaining is typical and expected when
19 you have a soffit, when you have a fire that
20 originates in the home and blows out?

21 A. Yes.

22 Q. Okay. Let me keep playing.

23 (Playing video recording.)

24 Q. Can you see right there, the fire now
25 is exposing itself as a larger fire in the home?

1 A. I do.

2 (Playing video recording.)

3 Q. Okay. And did you see that the fire
4 grew and looks larger than it did originally in
5 that still frame?

6 A. Yes.

7 Q. And right there as well?

8 A. Yes.

9 (Playing video recording.)

10 Q. Right there, do you see the magnitude
11 of the fire coming from the inside of the home?

12 A. I do.

13 Q. Do you see the shape of the fire from
14 the inside of the home?

15 A. The shape, yes.

16 Q. Is that consistent with the V pattern
17 that you saw on the wall in Exhibit 4 that we
18 showed you?

19 A. Yes, it is.

20 Q. Is that -- is that consistent, again,
21 consistent with the organization being inside the
22 bedroom as opposed to outside?

23 A. I believe so, yes.

24 Q. And, in fact, if this fire originated
25 in the shed outside, you would expect to see a V

1 pattern going down towards the ground, wouldn't
2 you?

3 MR. LaFLAMME: Object to --

4 A. I believe so --

5 MR. LaFLAMME: -- form.

6 A. -- yes.

7 (Playing video recording.)

8 BY MR. AYALA:

9 Q. Can we at least agree, because here's
10 another still shot. Can we at least agree that as
11 we watch this video, and there's a different angle
12 where now the smoke is not impeding your viewed,
13 that the -- the greater fire is coming from the
14 interior of that home of that bedroom?

15 A. Yes.

16 (Playing video recording.)

17 Q. You were asked questions about the
18 affected impact of ventilation in relation to
19 whether that bedroom door was opened or closed. Do
20 you remember some of those questions?

21 A. I do.

22 Q. Okay. And whether or not ventilation
23 can play a role when it comes to some of the
24 evidence that you find, whether it's a V pattern or
25 inverted cone, so on and so forth. Do you remember

1 of that hoverboard.

2 Do you remember the nature of that
3 question?

4 A. Yes.

5 Q. Okay. Unless someone was there and
6 observed, and knowledgeable, and competent, can
7 anyone say with a hundred percent certainty how it
8 started and where it started?

9 A. No.

10 Q. What you do as a investigator, with
11 the years of experience, training and education
12 that you have, is that you gather all of facts
13 available, you gather the evidence that you are
14 able to see, to observe, and using that knowledge
15 and that experience, you put together a likely
16 cause and a likely origin. Is that fair?

17 A. That is correct.

18 Q. And so what you are able to do when
19 you concluded your investigation, is you conclude
20 more likely than not what caused that fire and
21 where it started. Is that fair?

22 A. That is fair, yes.

23 Q. In fact, even -- even the after the
24 fact inspectors and investigators I believe the
25 term was, private investigators, even they could

1 never, with a hundred percent certainty, say how
2 and where this fire started.

3 MR. LaFLAMME: Object to form.

4 A. True. I believe that would be true,
5 yes.

6 BY MR. AYALA:

7 Q. Okay. You were asked about arcing a
8 few times, including there was inferences that
9 there was arcing found out there in the shed area.

10 Do you remember some of those
11 questions?

12 A. I do, yes.

13 Q. Okay. Could arcing be found if the
14 fire started inside, made its way outside, burned
15 that soffit, debris falls on the shed, burns down
16 that shed; could you still find arcing in that
17 area?

18 A. Potentially, yes --

19 MR. LaFLAMME: Object to --

20 A. -- I believe so.

21 MR. LaFLAMME: -- form.

22 BY MR. AYALA:

23 Q. And that -- that exists as a
24 possibility, doesn't it?

25 A. I think so, yes.

1 they told me or not. I honestly don't remember.

2 Q. Okay, all right. If the window was
3 already -- let me just use the word open.

4 A. Okay.

5 Q. If the window was already broken and
6 open at the time that they were awoken from the
7 fire, if the fire originated outside, you would
8 expect that they would have known, at the time that
9 that window broke and opened, they would have known
10 what was going on?

11 A. Yes. I would assume so, yes.

12 Q. The fact that when they woke up the
13 window was already open, already broken, doesn't
14 that support the fact that the window blew out as a
15 result of the fire inside the home?

16 MR. LaFLAMME: Object to form.

17 A. I believe so, yes.

18 BY MR. AYALA:

19 Q. Because if it blew in, they would be
20 covered in glass, wouldn't they?

21 A. Yes. And I had a hard time
22 believing, too, that -- and I would have to go back
23 and read some of my interview, but I have a hard
24 time, too, believing that the window was open when
25 they did wake up and feel fire, because at that

1 point, if they felt fire and the window was already
2 broken, I had have a hard time believing that
3 window was -- was already broken, because that
4 would have been -- because that would have meant
5 there was more fire exposure, especially around
6 that bed and where that bed was by that window, so
7 I have a hard time believing that the window was
8 actually broken out. It's common for children to
9 make little mistakes like that, that kind of think
10 like we were talking --

11 Q. Um-hum.

12 A. -- but even if that window was
13 broken, I mean if that's -- they felt fire if the
14 window was already broken, obviously it was cold
15 out that night, too. The top bunk was about level
16 with that window as well, if that makes sense.

17 Q. It does make sense.

18 Again, another piece of evidence that
19 you can consider.

20 A. Yes.

21 Q. When a window blows out from a fire
22 like that, does it make a noise?

23 A. It does.

24 Q. Did any of them testify as to a noise
25 like that -- other than the noise of the fire

1 alarms --

2 A. Right.

3 Q. -- that they heard, did any of them
4 tell you about a loud noise or a banging noise that
5 they heard while they were in their room?

6 A. No.

7 Q. Again, another clue or piece of the
8 puzzle that you take into account?

9 A. Yes, very much so.

10 Q. If that fire was blown out prior to
11 them waking up from the fire -- they told you that
12 they felt the heat, right?

13 A. Yes.

14 Q. And they told you that it was hot and
15 they saw some flames, right?

16 A. Yes.

17 Q. Okay. And I think one of them
18 described it as a glow?

19 A. Yes.

20 Q. Okay. If that fire originated
21 outside and that window was already blown out, and
22 these kids were still asleep, but they could feel
23 the intensity of that fire, would you expect that
24 bed to at least be on fire or catching on fire?

25 MR. LaFLAMME: Object to form.

1 exclude the most likely scenario, which is that the
2 fire began inside, blew out that window, made its
3 way out of the house, burnt that soffit, and debris
4 burned that shed.

5 MR. LaFLAMME: Object to form.

6 BY MR. AYALA:

7 Q. Go ahead.

8 A. Correct.

9 Q. You were asked questions about NFPA
10 statistics as to cause of fires and all that stuff;
11 when you're investigating a fire like this one at
12 the Wadsworth residence, are you concerned about
13 statistics?

14 A. No.

15 Q. Are you concerned about, well, I saw
16 once on the statistics that more fires occur as a
17 result of space heaters than hoverboards, are you
18 concerned about statistics?

19 A. No.

20 Q. Okay. You're investigating based
21 upon the evidence, correct?

22 A. Correct.

23 Q. And in fact, if you're more concerned
24 about statistics than you are the evidence, doesn't
25 that influence your conclusion?

1 MR. LaFLAMME: Object to form.

2 A. It can, yes. I would imagine it
3 would.

4 Q. You were asked a lot of questions
5 about -- about standards, about hypotheses, about
6 guidelines. We -- we've agreed every fire is
7 different, correct?

8 A. Yes.

9 Q. How you approach your origin and
10 cause investigation, however, is based upon a
11 certain -- typical practice that you employ, which
12 includes, first and foremost, collecting evidence
13 from outside the home, then making the way inside
14 of the home. Fair?

15 A. Yes.

16 Q. And then you add on to that, speaking
17 with other first responding, the family, victims,
18 witnesses. Fair?

19 A. Correct, yes.

20 Q. Does the mere existence of a space
21 heater inside of a shed lead you to concludes that
22 that's where a fire originates?

23 A. No.

24 Q. Has anybody shared any actual
25 evidence to suggest that the space heater was on

1 A. In my opinion inside --

2 MR. LaFLAMME: Object to form.

3 A. -- and -- and shooting outside.

4 Q. So Detective Sergeant, if you're
5 provided with information relating to arcing in
6 that shed area, if you're provided -- provided
7 information, which you already had, about the
8 existence of a shed where they used to smoke, the
9 existence of a space heater in that shed, if you're
10 provided with all of that evidence, does that
11 change your opinion?

12 A. It --

13 MR. LaFLAMME: Object to form.

14 A. -- no, it does not.

15 BY MR. AYALA:

16 Q. You'll look at it, right? You look
17 at additional evidence?

18 A. Absolutely, yes.

19 Q. And -- and that evidence that's been
20 subjected to you, you'll look at it, you'll analyze
21 it, but ultimately are you fairly confident, based
22 on the time that you spent on the scene on the day
23 of this incident, not after the fact, on the day of
24 this incident, are you fairly confident with your
25 conclusions and the efforts that you employed, and

1 the other investigators on the scene employed, to
2 investigate this fire?

3 A. Am I confident --

4 Q. Yes, sir.

5 A. -- in my decision --

6 Q. Yes, sir.

7 A. -- of what started it? Yes.

8 Q. Okay. And you were asked questions
9 about whether or not, you know, the situations in
10 which you bring in the fire marshal, the state
11 marshals and all of that. And you describe that,
12 it was a complex fire, industrial, things like that
13 you would consider.

14 Was there anything complex about this
15 fire that would lead you to reach out to the
16 marshal?

17 A. Not necessarily, or else I would
18 have. I didn't feel -- I felt with having Larry,
19 Bill and myself there, I was confident that we --
20 we formed a good idea of what happened.

21 Q. Okay. And I guess the intention of
22 my question is you're not above asking for help if
23 you feel you needed it?

24 A. No, not at all.

25 Q. Okay. I think those are all of my

1 questions.

2 There was nothing about this fire
3 that rendered you incapable of conducting a
4 thorough origin and cause investigation?

5 A. No.

6 Q. The body cam footage that you saw,
7 nothing from that body cam footage, that you were
8 shown today for the first time, affected and
9 impacted your opinion to the point of changing your
10 conclusions?

11 A. No.

12 Q. In fact it reinforced it.

13 A. It did, yes.

14 MR. AYALA: Sir, thank you.

15 THE WITNESS: You're welcome.

16 MR. LaFLAMME: Thank you.

17 EXAMINATION

18 BY MR. LaFLAMME:

19 Q. Detective sergeant, with respect to a
20 fire originating in Gunner and Layne's bedroom, you
21 would expect that circuit breaker to trip, correct?

22 MR. AYALA: Form.

23 A. In -- it's tied to the same circuit
24 breaker?

25 BY MR. LaFLAMME: